

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MICHAEL P. TIERNEY,

Plaintiff,

Index No.: 07-cv-4090-BSJ-JCF

-against-

GERARD A. NEUMANN,

Defendant.

DECLARATION OF JASON A. MASIMORE

JASON A. MASIMORE, under penalty of perjury, declares:

1. I am an associate at Hughes Hubbard & Reed LLP, attorneys for Defendant Gerard A. Neumann in this proceeding. I make this declaration in connection with Defendant's Reply Memorandum in Further Support of His Motion for Judgment on the Pleadings Dismissing the Complaint.

2. Attached hereto as Exhibit 1 is a copy of a February 16, 2007 letter from Omnicom Group Inc. to Michael P. Tierney, produced in discovery in this action.

3. Attached hereto as Exhibit 2 is a copy of a September 27, 2007 letter from Dara Akbarian of Omnicom Group Inc. to Michael P. Tierney, which Mr. Tierney produced in discovery in this action.

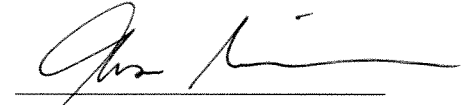
4. Attached hereto as Exhibit 3 is an excerpt from the transcript of the deposition of Michael P. Tierney taken in this action on June 12, 2008, specifically, the cover sheet and pages 173 and 307-10.

5. Attached hereto as Exhibit 4 is an excerpt from an affidavit sworn by Michael P. Tierney on June 24, 2008, and filed in *PGNT Management LLC v. Omnicom Group Inc.*, Index No. 100065/08 (N.Y. Sup. Ct.) (Freedman, J.).

6. Attached hereto as Exhibit 5 is a copy of a December 26, 2007 email from Defendant to Plaintiff.

I declare under penalty of perjury that the foregoing is true and correct to the best of my knowledge.

Executed on June 26, 2008



Jason A. Masimore